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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,799	11/28/2000	Kenneth H. Abbott	294438023US1	7802
500	7590	11/30/2006	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			WINDER, PATRICE L	
701 FIFTH AVE			ART UNIT	
SUITE 5400			PAPER NUMBER	
SEATTLE, WA 98104			2145	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,799

Applicant(s)

ABBOTT ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-29 and 42-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-29 is/are allowed.
- 6) ☒ Claim(s) 42 and 50-57 is/are rejected.
- 7) ☒ Claim(s) 43-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 56-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Szymanski et al., USPN 5,566,637 (hereafter referred to as Szymanski).

3. Regarding claim 56, Szymanski taught a computer-readable medium whose contents cause a computing device to provide information about a context that is modeled with multiple context attributes (column 3, lines 54-64), at least some of the context attributes having values used by modules for generating values of other context attributes (column 4, lines 28-41), by:

determining that a first module is generating a first value of a first of the context attributes of the modeled context (column 7, lines 1-8); and

determining that a circular reference exists (column 15, lines 28-38) when it is determined that a module is to generate another value of the first context attribute such that the generating of the another value is caused by the generating of the first value of the first context attribute (column 7, lines 61-67; column 8, lines 1-5).

4. Regarding claim 57, Szymanski taught a computer-readable generated data signal transmitted via a transmission medium, the generated data signal having encoded contents that cause a computer system to provide information about a context

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that is modeled with multiple context attributes (column 3, lines 54-64; column 4, lines 61-67; column 5, lines 1-9), at least some of the context attributes having values used by modules for generating values of other context attributes (column 4, lines 28-41), by:

determining that a first module is generating a first value of a first of the context attributes of the modeled context (column 7, lines 1-8); and

determining that a circular reference exists (column 15, lines 28-38) when it is determined that a module is to generate another value of the first context attribute such that the generating of the another value is caused by the generating of the first value of the first context attribute (column 7, lines 61-67; column 8, lines 1-5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 42 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szymanski.

7. Regarding claim 42, Szymanski taught a method in a computer for providing information about a context that is modeled with multiple context attributes (column 3, lines 54-64), at least some of the context attributes having values used by modules for generating values of other context attributes (column 4, lines 28-41), comprising:

determining that a first module is generating a first value of a first of the context attributes of the modeled context (column 7, lines 1-8); and

determining that a circular reference exists (column 15, lines 28-38) when it is determined that a module is to generate another value of the first context attribute such that the generating of the another value is caused by the generating of the first value of the first context attribute (column 7, lines 61-67; column 8, lines 1-5). Szymanski does not specifically teach the computer is a portable computer. However, Szymanski taught portable computer having consumable events. It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating a portable computer in Szymanski's system for handling events would have been an equivalent substitution. The motivation would have been because Szymanski suggests changing the components of the computer system (column 5, lines 21-23).

8. Regarding dependent claim 50, Szymanski taught including, after the determining that the circular reference exists, preventing the generating of the another value of the first context attribute by the module (column 15, lines 38-41).
9. Regarding dependent claim 51, Szymanski taught the multiple context attributes represent information about a user of the computer (column 1, 32-38).
10. Regarding dependent claim 52, the modeled context is a current context.
11. Regarding dependent claim 53, Szymanski taught the context attributes are part of a predefined taxonomy of attributes (column 8, lines 35-54).
12. Regarding dependent claim 54, Szymanski taught the context attributes are dynamically defined by source modules who indicate an ability to supply values for the defined attributes (column 9, lines 62-67; column 10, lines 1-10).

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13. Regarding dependent claim 55, Szymanski taught the context attributes are dynamically defined by client modules who indicate an interest in receiving values for the defined attributes (column 15, lines 4-11).

Allowable Subject Matter

14. Claims 11-29 are allowed.

15. Claims 43-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is an examiner's statement of reasons for allowance: Claims 11-29 are allowable in light of Applicant's remarks filed on September 22, 2006, pages 6-7. In particular the prior art of record fails to teach or suggest the circular reference resulting from a request from a client as claimed by Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

17. Applicant's arguments, see pages 6-7, filed September 22, 2006, with respect to the rejection(s) of claim(s) 11-29 and 42-57 under 102(b) have been fully considered

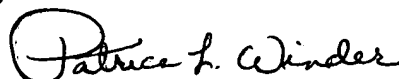
and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Szymanski.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patrice Winder
Primary Examiner
Art Unit 2145

November 27, 2006